

EXPRESS MAIL NO. EV737280585US

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PATENT



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Date

[Name]

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dong Wei et al.

Application No. : 09/544,776

Filed : April 7, 2000

For : NOVEL PROTEIN ASSOCIATED WITH CELL STRESS  
RESPONSE

Examiner : Jane J. Zara

Art Unit : 1635

Docket No. : 59516-219/PP-01561.003

Date : November 22, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER M.P.E.P. 608.01(p) AS TO DEPOSIT OF  
BIOLOGICAL MATERIAL

1. Chiron Corporation is the owner of the above-identified patent application and declares:
2. That a plasmid has been deposited in the permanent culture collection of the ATCC, 10801 University Boulevard, Manassas, VA 20110-2209, and the

culture deposit meets the requirements of the Budapest Treaty for the purposes of patent procedure;

3. That said culture has been accorded the accession number PTA-89 prior to the filing date of the above-identified patent application;
4. That said culture has been deposited under conditions which ensure that access to the culture will be available during the pendency of the above-identified patent application to one determined by the Commissioner to be entitled to under 37 C.F.R. § 1.14 and 35 U.S.C. § 112;
5. That upon issuance of a patent on the above-identified patent application, Chiron Corporation will irrevocably remove any restrictions as to public availability of the culture deposit, and will replace the same culture deposit should it become non-viable, during the period that extends thirty years from the date of the deposit, or the period of five years after the last public request for the deposit, whichever period is longest; and
6. Chiron Corporation declares further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like to made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

CHIRON CORPORATION

Date February 15, 2006

By Lisa E. Alexander  
Lisa E. Alexander  
Assistant Secretary